

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TONEKWUEME HAMILTON,

Plaintiff,

v.

No. 20-cv-1243 SMV

**KILOLO KIJAKAZI,¹
Acting Commissioner of the
Social Security Administration,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed this action pro se on November 20, 2020, appealing the final decision of the Social Security Administration to deny benefits. [Doc. 1]. The Court set a briefing schedule, and Plaintiff’s Motion to Reverse or Remand Administrative Agency Decision with Supporting Memorandum (“Motion”) was due no later than September 1, 2021. [Doc. 18]. To date, Plaintiff has neither filed a Motion nor requested an extension of time to do so. Two mailings from the Court to Plaintiff have been returned, [Docs. 20, 21],² and Clerk’s Office staff have been unsuccessful in reaching Plaintiff by telephone.³


¹ Kilolo Kijakazi is the current Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted for former Commissioner Andrew Saul as the Defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (2012).

² Each envelope was marked “moved, left no address/unable to forward.” [Docs. 20, 21].

³ Staff notes indicate that a phone call to Plaintiff—at the phone number provided by Plaintiff, 575-366-0049, [Doc. 4]—on September 9, 2021, was unsuccessful; staff reached only a fast busy signal. When staff again attempted to reach Plaintiff by telephone on September 10, 2021, the number was not in service.

IT IS THEREFORE ORDERED that Plaintiff show cause no later than **October 13, 2021**, why his case should not be dismissed without prejudice for failure to prosecute his claims and comply with a court order, *see* Fed. R. Civ. P. 41(b); D.N.M.LR-Civ. 41.1, and for failure to keep his contact information current, *see* D.N.M.LR-Civ. 83.6; *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) (“It is incumbent on litigants, even those proceeding pro se, to follow the federal rules of procedure. The same is true of simple, nonburdensome local rules . . .”).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent